

REMARKS

Claims 1-3, 5-7, 10-62 and 64-74 are pending.

The Examiner rejected (i) Claims 1, 3, 5-7, 12-16, 18-24, 28, 29, 33, 36, 37, 40-42, 44, 47-51, 53, 55-57, 59, 61, 62, 64, 66, 68, 71-74 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,587,789 to *van Diggelen* [herein referred to as *Diggelen*] in view of U.S. Patent No. 6,529,159 to *Fan et al.* [herein referred to as *Fan*]; (ii) Claims 17, 25-27, 43, 52, 60, 65, 67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Diggelen* and *Fan* in view of U.S. Patent No. 6,222,483 to *Twitchell*. [herein referred to as *Twitchell*]; and (iii) Claims 10, 11, 45, 46, 69, 70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Diggelen* and *Fan* in view of U.S. Patent No. 6,583,756 to *Sheynblat*. [herein referred to as *Sheynblat*]. In each of these rejections, the Examiner relied on the teachings in *Fan*.

Applicant respectfully submits that *Fan* cannot be used under 35 U.S.C. § 103(a) as a prior art reference against the claims of the current patent application. Specifically, *Fan* was filed on March 8, 2000 and issued on March 4, 2003. Therefore, *Fan* qualifies as prior art only under 35 U.S.C. § 102(e). However, at the time the claimed invention of the present application was made, the subject matter of *Fan* and the claimed invention of the present invention were commonly owned by the present Assignee. Therefore, pursuant to MPEP § 706.02(l)(2), Applicant states:

STATEMENT OF COMMON OWNERSHIP

The claimed invention in the present application (serial. no. 09/707,326) and the subject matter of U.S. Patent US 6,529,159 to *Fan et al.* were, at the time the claimed invention of the present application was made,

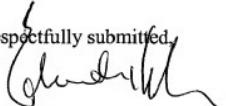
commonly owned, or subject to an obligation of assignment to the present Assignee, @Road, Inc.

Accordingly, the Examiner's rejections based on *Fan* are believed overcome, as *Fan* is not prior art under 35 U.S.C. § 103(a). Reconsideration and allowance of Claims 1-3, 5-7, 10-62 and 64-74 are therefore requested.

All pending claims (i.e., Claims 1-3, 5-7, 10-62 and 64-74)are believed allowable. If the Examiner has any questions or concerns, a telephone call to the undersigned at (408) 392-9250 is welcomed and encouraged.

Fee Authorization: The Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this communication to Deposit Account No. 50-2257.

Respectfully submitted,



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